



08-CV-00272-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

FUNDS FROM FIRST REGIONAL BANK
ACCOUNT #XXXXX1859 HELD IN THE
NAME OF R K COMPANY, INC, d/b/a
CIGAR CARTEL, TOTALING
\$201,147.00, MORE OR LESS, AND THE
PROCEEDS THEREFROM;
FUNDS FROM BANK OF AMERICA
ACCOUNT #XXXXXX6903 HELD IN
THE NAME GLOBAL TRADING
COMPANY OF TAMPA, FLORIDA,
TOTALING \$89,240.00, MORE OR LESS,
AND THE PROCEEDS THEREFROM;
FUNDS FROM BANK OF NEVADA
ACCOUNT #XXXXXXX7651 HELD IN
THE NAME OF LAS VEGAS PAIUTE
TRIBE/SNOW MOUNTAIN
WHOLESALE, TOTALING \$69,345.29,
MORE OR LESS, AND THE PROCEEDS
THEREFROM; AND
FUNDS FROM GRAND SAVINGS
BANK ACCOUNT #XXXXX8501 HELD IN
THE NAME OF DELTA OZARK, LLC
DBA DELTA-OZARK ENTERPRISES ,
TOTALING \$120,903.90, MORE OR
LESS, AND THE PROCEEDS
THEREFROM;

Defendants.

NO. C08-0272JCC

**STIPULATED SETTLEMENT
AGREEMENT AS TO CLAIMANT
GLOBAL TRADING CORP. OF
TAMPA FLORIDA**

**AND ~~PROPOSED~~ ORDER
APPROVING SETTLEMENT
AGREEMENT**

The United States of America, Plaintiff herein, by and through Jeffrey C. Sullivan,
United States Attorney for the Western District of Washington, and Richard E. Cohen,

1 Assistant United States Attorney for said District, and claimant Global Trading Corp. of
2 Tampa Florida, ("Global") by and through its attorneys Roger Townsend and Gerson
3 Joseph, hereby enter into this Stipulated Settlement Agreement upon the terms and
4 conditions set forth below.

5 Plaintiff, United States of America, filed its Complaint for Forfeiture *In Rem*
6 against the defendant Funds from Bank of America Account #XXXXXX6903 Held in the
7 name Global Trading Company of Tampa, Florida, totaling \$89,240.00, more or less, and
8 the proceeds therefrom; (hereinafter "the Defendant \$89,240.00") on February 15, 2008,
9 and an Amended Complaint for Forfeiture *In Rem* on March 25, 2008. In its Amended
10 Complaint, the United States alleged that the defendant \$89,240.00 was subject to seizure
11 and forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(A),
12 981(a)(1)(C) and 984 for violations of Title 18, United States Code, Sections
13 1956(a)(1)(A)(i), 1957 and 2342.

14 Pursuant to a Warrant of Arrest *In Rem*, the Bureau of Alcohol Tobacco and
15 Firearms arrested the defendant currency on May 16, 2008.

16 On February 15, 2008, the United States filed a Verified Complaint for Forfeiture
17 *in rem* (Dkt #1), and Amended the Complaint (Dkt #7) on March 25, 2008, against the
18 above listed property and against other property not at issue in this Settlement Agreement.

19 On or about July 17, 2008, Global Trading Corp. Of Tampa filed a Statement of
20 Interest (Dkt. #19) to the defendant \$89,240.00.

21 On or about August 28, 2008, Global Trading Corp. Of Tampa filed an Answer to
22 the Complaint for Forfeiture *In Rem* (Dkt #22) to the defendant \$89,240.00.

23 STIPULATION

24 1. The Court has jurisdiction over this matter, the defendant currency, and the
25 parties, pursuant to Title 28, United States Code, Sections 1345 and 1355. The Court has
26 venue pursuant to Title 28, United States Code, Section 1395, and 1355(b)(1).

27 ///

28 ///

1 2. Thirty Thousand Dollars (\$30,000.00) of the defendant currency shall be
2 paid to Claimant Global Trading Corp. of Tampa Florida, through Claimant's attorney,
3 Roger Townsend, by the United States Marshal's Service.

4 3. The remaining Fifty-Nine thousand, Two Hundred Forty Dollars
5 (\$59,240.00) of the defendant currency shall be forfeited to the United States.

6 4. The parties acknowledge that Claimant Global has denied that any funds are
7 subject to forfeiture and that the government has denied that any Funds from Bank of
8 America Account #XXXXXX6903 are subject to be returned to Claimant. The parties
9 acknowledge that this Stipulated Settlement Agreement is made as a compromise and is
10 not, and cannot be, construed as, or asserted by any party or other person or entity to be
11 an admission of liability or violation of any law, rule or regulation.


12 5. This Stipulated Settlement Agreement represents a full settlement and
13 satisfaction of all ownership and possessory claims by Claimant Global Trading Corp. of
14 Tampa Florida to the defendant \$89,240.00 and its proceeds and of any causes of action
15 arising out of the seizure of the defendant currency. Further, this Stipulated Settlement
16 Agreement represents a full settlement and satisfaction of any and all claims and causes
17 of action by the plaintiff United States for the forfeiture of the defendant \$89,240.00 and
18 its proceeds. The parties shall execute further documents to the extent necessary to
19 implement the terms of this Stipulated Settlement. Each party is to bear its own costs and
20 attorney's fees.

21 6. Global Trading Corp. of Tampa Florida hereby agrees to release and forever
22 discharge the United States, its agencies, agents, employees, and officers, and any other
23 foreign, state, or local law enforcement agents or officers involved in the investigation
24 relating to this case, from any and all claims, liens, demands, obligations, actions, causes of
25 action, indemnifications, damages, liabilities, losses, costs and expenses, of any nature
26 whatsoever, known or unknown, past, present or future, ascertained or unascertained,
27 suspected or unsuspected, existing or claimed to exist, which each said Claimant, her/his
28 respective heirs, successors, or assigns may have had, now have, or may hereafter have,

1 arising out of the seizure, handling and disposition of the defendant currency, the
2 investigation leading to such actions, and the subsequent forfeiture proceedings, including
3 any claims for interest or attorney's fees.

4 The parties submit this Stipulated Settlement Agreement to the Court for signature,
5 having agreed to its terms and consented to the entry of this Stipulated Settlement Agreement
6 in full satisfaction of the claim of Global Trading Corp. of Tampa Florida in this case and
7 further, the undersigned parties waive any right of appeal.

8
9 DATED: 3/27/09


RICHARD E. COHEN
Assistant United States Attorney
Attorney for Plaintiff

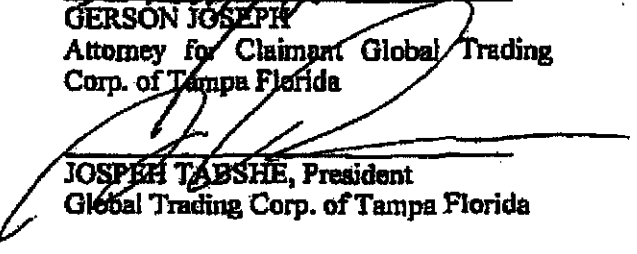
12 DATED: 3/25/09


ROGER TOWNSEND
Attorney for Claimant Global Trading
Corp. of Tampa Florida

16 DATED: 3/24/2009


GERSON JOSEPH
Attorney for Claimant Global Trading
Corp. of Tampa Florida

19 DATED: 3/27/09


JOSEPH TABSHE, President
Global Trading Corp. of Tampa Florida


ORDER

This Stipulated Settlement Agreement is hereby APPROVED and its terms are hereby ORDERED.

DATED this 15th day of March, 2009


JOHN C. COUGHENOUR
UNITED STATES DISTRICT JUDGE

Presented by:


RICHARD E. COHEN
Assistant United States Attorney
700 Union Street, Suite 5220
Seattle, WA 98101-1271
(206) 553-2242; Fax (206) 553-6934
E-Mail: Richard.E.Cohen@usdoj.gov